

REMARKS

Claims 1-21 were pending as of the Office Action of December 5, 2008. Claims 1 and 19 are amended with this Response. In this Office Action the Examiner requires Applicant to elect a single Group to which the claims shall be restricted under 35 U.S.C. 121. In particular, the Examiner restricts the Groups to:

Group I: Claims 1-10 and 21 drawn to a process for manufacturing food products of fish flesh;

Group II: Claims 11-18 drawn to an apparatus for manufacturing food products of fish flesh; and

Group III: Claims 19-20 drawn to a surimi-base or other intermediate food product obtained from oily fish with a residual fat content between 0.1-1.5%.

Furthermore, the Examiner indicates that the special technical feature of Group III is the claimed property of residual fat content (.1%-1.5%), which is not present in Groups I or II, and the special technical feature of Group I is the washed pulp containing a residual fraction of lipids and sarcoplasmic proteins (.1%-3% of the weight of the pulp), which is not present in Group II.

Accordingly, in reply to the restriction requirement, Applicant first amends the claims to overcome the above discussed special technical feature issues indicated by the Examiner. Additionally, in the event that these amendments do not overcome the Examiner's Restriction Requirement, Applicant also provisionally elects Group I Claims 1-10 and 21 for prosecution.

With reference to claim 19, Applicant notes that if the amendments do not overcome the Restriction, claim 19 should be withdrawn with the rest of the claims in Groups II and III, even though claim 19 includes the status identifier "Previously Presented."

Applicant reserves the right to pursue the withdrawn claims in a related application(s) without prejudice.

Prosecution on the merits is respectfully requested. The foregoing is believed to be fully responsive to the outstanding Office Action.


The Examiner is invited to contact Applicant's attorney at the below-listed phone number regarding this Response or otherwise concerning the present application.

Applicant hereby petitions for any necessary extension of time under 37 C.F.R. §§1.136(a) or 1.136(b).

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,
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